

Chapter 17.300
COMPLIANCE

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17.300.010 Purpose.

The purpose of this Chapter is to establish authority and procedures for compliance with the Lewis County Development Regulations and other regulations as set forth in this Chapter.

17.300.020 Applicability.

The provisions of this Chapter shall be applicable to any development, land use or activity on a property taken contrary to any provision of the following regulations:

Title 8 Health and Safety

Title 12 Public Roads and Places

Title 15 Building and Construction

Title 16 Subdivisions

Title 17 Land Use and Development Regulations

Such development, activity or use shall be and is hereby declared to be an unlawful public nuisance and subject to the provisions contained within this Chapter. Every owner has a duty to maintain his or her property free of public nuisances and to comply with any written order concerning the removal or abatement of a public nuisance.

17.300.023 Innocent Purchasers.

A. Real Property Transfers prior to June 26, 1999. The provisions of this Chapter shall not apply to development that occurred prior to June 26, 1999, on property purchased by innocent purchasers.

B. Real Property Transfers after June 26, 1999. The provisions of this Chapter shall not apply to development that occurred prior to **(DATE OF ADOPTION)**, when the current property owner provides a sellers disclosure statement or similar evidence which demonstrates that the owner had no knowledge of the unpermitted development prior to purchase.

C. Real Property Transfers after (DATE OF ADOPTION).

1. Purchasers of property after **(DATE OF ADOPTION)**, may not be considered innocent purchasers if Lewis County issued to the seller a notice of a violation or written order and the seller failed to disclose the violation as required by RCW 64.06 on a sellers disclosure form.

2. Purchasers of property after **(DATE OF ADOPTION)**, shall not be considered innocent purchasers where Lewis County has recorded a certificate of noncompliance or Lis pendens regarding the subject property with the County Auditor.

D. Recognition of unpermitted development which is owned by an innocent purchaser does not imply or establish nonconforming rights under Lewis County Code.

E. These provisions are not intended to exempt development from complying with the construction standards of Title 15 LCC when the Building Official determines that a structure poses a "life/safety" risk.

F. These provisions are not intended to exempt development from permitting requirements of State or Federal agencies.

17.300.030 Permits, Approvals and Uses.

A. Permits and Approvals. Lewis County regulations require acquisition of permits or approvals before certain activity may be performed. It shall be unlawful to conduct these regulated activities without first obtaining a written permit or approval. When a permit or approval has been issued, it shall be unlawful to act in a manner which is inconsistent with such permit or approval.

B. Uses. The Development Regulations identify zone classifications and uses allowed in various geographic areas. It shall be unlawful to use property contrary to those zones and use classifications unless such use is considered to be legally nonconforming or otherwise exempt from the Development Regulations.

C. No Conflicting Licenses or Permits Shall be Issued. No license, permit, or approval for uses, buildings, or activity where the same would be in conflict with any provision of the Lewis County Development Regulations shall be issued. In the event that conflicting licenses, permits, or approvals are issued, the most restrictive license, permit, or approval shall apply while any license, permit, or approval, if issued in conflict with the provisions hereof, shall be null and void.

17.300.040 General Enforcement Provisions.

A. Notice and Orders to Correct, Stop Work Orders or Any Other Written Order.

1. The County is authorized to issue a Notice and Order to Correct, Stop Work Order, or any other written order when any person, firm, corporation or agent thereof has engaged in any development activity or land use or activity contrary to any provision of the regulations listed in LCC 17.140.020.

2. The order may be directed to the person, firm, corporation or agent thereof who committed the violation and/or to the owner of the property where the violation occurred.

3. Notice and Orders to Correct, Stop Work Orders, or any other written orders shall be obeyed upon issuance of the order. Such order shall specify each violation by reference to the specific Title, Chapter, and Section, or by reference to the approved permit. Every written order shall describe the violation and shall order appropriate corrective action(s) to be taken within a specified time period.

4. Any final written order shall be served by any one or combination of the following methods:

- a. by both first class and certified mail with a return receipt requested to the last known address of the intended recipient, or
- b. by posting the order in a prominent location on the property where the violation occurred, or
- c. by personal service.

5. Appeals of final written orders shall proceed according to LCC 2.25.130 as an appeal of an administrative order or decision. After hearing said matter, the Examiner shall issue a decision upholding, revoking, or modifying the order. The decision of the Examiner is final and conclusive unless said matter is determined otherwise by the appropriate court.

B. Additional Enforcement Powers.

1. The provisions of this subsection are in addition to, and not in lieu of, any other penalty, sanction, or right of action provided by law.

2. The County may require the owner to remove any unpermitted development and/or restore the property to the pre-development condition.

3. The County may remove, correct, or replace unpermitted development or portion thereof. All expenses incurred by the County to remove, correct, or replace unpermitted developments on a property must be paid in full prior to the issuance of any additional permits.

4. The County may record a Notice of Non-Compliance with the Lewis County Auditor against the property on which a violation has taken place. A Notice of Non-Compliance is recorded on the title to notify any interested parties or lenders that a violation exists on the property provided that:

a. Prior to recording a Notice of Non-Compliance, the County shall provide written notice of intent to record to the owner. Notice shall be delivered either personally or by mailing a copy of such notice by regular first class and certified mail to last known address of the owner. If the owner's address is unknown, the notice shall be mailed to the taxpayer as shown on the Assessor's records.

b. When any monetary penalty assessed for the violation has been paid and the violation has been remedied to the satisfaction of the County (i.e., final inspections have occurred and final approvals have been granted), the County may record a Notice of Compliance. The owner shall be responsible for paying the cost of recording the Notice of Non-Compliance and the Notice of Compliance before the Notice of Compliance is recorded.

17.300.050 Penalties.

The purpose of penalty provisions is to discourage violations of existing codes and regulations and to provide a mechanism to obtain redress for ecological, recreational, and economic values lost or damaged due to any unlawful actions.

A. Civil Infractions. Acts which are designated as civil infractions under this Code shall be prosecuted in accordance with Chapter 1.20 LCC.

B. Civil Penalty. The provisions of this subsection are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law. Any person who fails to obtain a necessary permit prior to conducting activities governed by the provisions of this Title and/or any person who fails to comply with a final written order may be assessed a civil penalty as follows:

1. The Director may assess the violator a civil penalty not to exceed \$1,000.00 for each violation.
2. Each violation or each day of continued unlawful activity shall constitute a separate violation. Each day that a person fails to comply with the terms of a final written order shall constitute a separate violation.

3. Any person who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.

4. The Director shall impose the penalty provided for in this Section by sending written notice, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty. Such written notice shall describe the violation with reasonable particularity and shall order appropriate corrective action(s) to be taken within a specified time period.

5. Within 30 days after the notice of penalty is received, the person incurring the penalty may apply in writing to the Director for remission or mitigation of such penalty. Upon receipt of the application, the Director may remit or mitigate the penalty upon whatever terms are deemed proper to bring about compliance with the applicable regulations.

6. Any decision(s) regarding remission or mitigation of penalties imposed pursuant to this subsection may be appealed to the Lewis County Hearing Examiner under Chapter 2.25 LCC as an appeal of an administrative order or decision.

7. If the penalty is not appealed, the violator will have up to 30 days after receipt of notice to pay the penalty, unless a written request is made to the Director or Designee, who may then grant a longer time period for payment.

8. Any violation of the Hearing Examiner Conditions shall pay a penalty in the amount of one-half the cost of the original Land Use Application fee. This penalty may not be applied toward application fees.

9. The payment of a civil penalty for any violation shall not excuse the violation or allow it to continue.

C. Misdemeanor. It shall be a misdemeanor for any person, firm, corporation, or association or any agent of any person, firm, corporation, or association to knowingly perform any act in violation of any of the provisions of the regulations listed in LCC 17.300.020, or to knowingly fail to comply with the terms of a final written order after being served with a copy of the order. Service of the order shall be by any one or combination of the methods listed in LCC 17.300.040 (A)(4). A misdemeanor under this Code shall be punishable by a fine of not more than \$1,000.00 or by imprisonment of not more than 90 days, or both. The imposition of a penalty for any violation shall not excuse the violation or allow it to continue. Each person found guilty of a misdemeanor shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person.

D. Gross Misdemeanor. It shall be a gross misdemeanor for any person, firm, corporation, or association or any agent of any person, firm, corporation, or association to violate any provision of this Title:

1. Relating to the sale, offer for sale, lease or transfer of any lot, tract, or parcel of land in violation of State or local subdivision laws and/or regulations.

2. Any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this Title and/or the Shoreline Management Regulations, or who knowingly fails to comply with a written order regarding regulated activities on the shorelines of the state after being served with a copy of the order, shall be guilty of a gross misdemeanor pursuant to the provisions set forth in RCW 90.58.220. Service of the order shall be by any one or combination of the methods listed in subsection 17.300.040 (A)(4).

E. Each Day a Separate Offense-Injunction. Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of the regulations listed in LCC 17.300.020 is committed, continued, or permitted by such person, firm, or corporation and shall be punishable therefore as provided for in this Chapter; and any development, activity, use, occupation, building, or structure maintained contrary to the provisions hereof shall constitute a public nuisance and may be enjoined as provided by law.

F. Additional Penalties.

1. Failure to comply with any provision of the regulations listed in LCC 17.300.020 will be cause for withholding or withdrawing approval of the overall project plans, suspension or denial of any permit applications, revocation of approvals or permits, suspension of building inspections, forfeiture of the financial guarantee submitted as part of an application to the County, and/or nonacceptance of the work by the County.

2. Any person who violates any provision of the Shoreline Management Regulations shall also be subject to additional penalties as set forth in RCW 90.58.210 and .230.

G. Recovery of Costs Incurred by the County.

1. Any person who discharges or causes a discharge which violates the County's National Pollutant Discharge Elimination System (NPDES) permit and/or produces a deposit or obstruction or causes damage to or impairs the County's stormwater disposal system or causes damage to physical, chemical, or biological systems of waters of the State or waters of the United States shall be liable to the County for any expense, loss or damage caused by such violation or discharge, including the costs for bringing the County back into compliance with its NPDES permit associated with the violation of these regulations, and any fine levied for the violation of the County's NPDES permit.
2. Any person violating any of the regulations listed in LCC 17.300.020 shall be liable to the County for any expense, loss or damage caused by such violation including the costs to the County for bringing the property back into compliance.
3. A bill issued by the Director for collection of costs incurred under this subsection may be appealed to the Lewis County Hearing Examiner within 14 days of the date of the bill pursuant to LCC 2.25.130, Appeals of Administrative Decisions to the Examiner.